



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 17, 1998

Ms. Leah Davis-Bates  
Attorney at Law  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR98-1952

Dear Ms. Davis-Bates:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117604.

The Texas Department of Public Safety (the "department") received a request for information concerning an automobile accident. You indicate that the accident report has been provided to the requestor, but that the department seeks to withhold from disclosure the remaining information at issue. You assert that the records are protected from disclosure pursuant to sections 552.103 and 552.108 of the Government Code. Representative samples of the records at issue were submitted to this office for review.<sup>1</sup>

We note initially that neither exception protects from disclosure basic front page offense and arrest report information. In Open Records Decision No. 597 at 3 (1991), this office stated that front page offense and arrest report information may not generally be withheld from disclosure under section 552.103(a). Section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure. Thus, front page offense and arrest report information must generally be disclosed, since this type of information provides basic information about the allegations and any arrests. See generally *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976) (front page offense report information is generally

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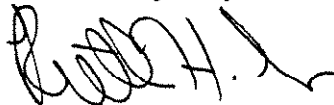
<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

considered public). Now we will consider your arguments concerning the other records at issue.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You inform this office that "there exists a strong possibility of criminal charges" being filed in connection with the accident and that the local prosecutor has asked the department to not release the investigation records. Based upon the information provided to this office, we agree that the department has shown the applicability of section 552.108(a)(1). *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases); *see* Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Thus, the remaining records at issue may be withheld from disclosure under section 552.108. We note that since section 552.108 is applicable, we need not address the applicability of section 552.103(a) to these records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 117604

Enclosures: Submitted documents

cc: Ms. Karen Spivey  
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(w/o enclosures)